

**IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR SKAGIT COUNTY**

SANDHU FARM INC., a Washington corporation; JAGMOHAN S. SANDHU and KARMJIT K. SANDHU, husband and wife; INDERJIT SANDHU and CHARMJIT SANDHU, husband and wife; and SHAMSHER S. SANDHU and DHARMVIR K. SANDHU, husband and wife,) CASE NO. 21-2-00607-29
)
) FIRST AMENDED COMPLAINT FOR
) TRESPASS, NUISANCE, STATUTORY
) WASTE, TIMBER TRESPASS, STRICT
) LIABILITY, NEGLIGENCE, BREACH OF
) AGREEMENT, AND FOR PERMANENT
) INJUNCTION

Plaintiffs,

vs.

FERROSAFE, LLC, an Arizona limited liability company registered to do business in Washington; and BNSF RAILWAY COMPANY, a Delaware corporation registered to do business in Washington,

Defendants.

COME NOW Plaintiffs Sandhu Farm Inc., Jagmohan S. Sandhu, Karmjit K. Sandhu, Inderjit Sandhu, Charmjit Sandhu, Shamsher S. Sandhu, and Dharmvir K. Sandhu, by and through their attorneys of record, Wolf & Lee, LLP, and by way of Complaint for Trespass,

**FIRST AMENDED COMPLAINT FOR TRESPASS,
NUISANCE, STATUTORY WASTE, TIMBER
TRESPASS, STRICT LIABILITY, NEGLIGENCE,
BREACH OF AGREEMENT, AND FOR
PERMANENT INJUNCTION**

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Nuisance, Statutory Waste, Timber Trespass, Strict Liability, Negligence, Breach of Contract, and for Permanent Injunction allege, claim, and pray as follows:

I. PARTIES & JURISDICTION

1.1 Plaintiffs Jagmohan S. Sandhu, Karmjit K. Sandhu, Inderjit Sandhu, Charmjit Sandhu, Shamsheer S. Sandhu, and Dharmvir K. Sandhu (collectively “Sandhu”) own that real property located in Skagit County, Washington and legally described in Exhibits A-B, attached hereto and incorporated by reference. More particularly, Sandhu own that real property legally described in Exhibit A, and Shamsheer S. Sandhu and Dharmvir K. Sandhu own that real property legally described in Exhibit B (collectively the “Sandhu Property”).

1.2 Plaintiff Sandhu Farm Inc. (“Sandhu Farm”) is a Washington corporation that operates a blueberry farm on the Sandhu Property.

1.3 Defendant Ferrosafe, LLC (“Ferrosafe”) is an Arizona limited liability company registered to do business in Washington that provides weed control services in Western Washington. Based upon knowledge and belief, Ferrosafe provides weed control services for Defendant BNSF Railway Company’s (“BNSF”) railroad rights-of-way located in Western Washington, including the BNSF right-of-way adjacent to the Sandhu Property.

1.4 BNSF is a Delaware corporation, registered to do business in Washington. Based upon knowledge and belief, BNSF owns and operates a network of railroad rights-of-way in and around the state of Washington, including a line that runs adjacent to the Sandhu Property.

1.5 This matter concerns damage to Sandhu’s blueberry plants and the Sandhu Property caused by pesticides applied by Ferrosafe on the BNSF right-of-way that invaded the

Sandhu Property. Venue is proper pursuant to RCW 4.12.010(1), as the subject property is located in Skagit County. This Court has jurisdiction over the parties. This Court has jurisdiction over Ferrosafe and BNSF pursuant to RCW 4.28.185, based upon the transacting of business within the state, and/or committing a tort within the state.

II. FACTS

2.1 Sandhu restate and incorporate by reference the allegations contained in paragraphs 1.1 through 1.5 herein.

2.2 The Sandhu Property consists of farmland, most of which is planted with mature blueberry plants. The Sandhu Property is bordered to the west by the BNSF right-of-way. A map depicting the Sandhu Property and BNSF right-of-way is attached hereto and incorporated by reference as Exhibit C.

2.3 In 2017, Sandhu brought claims in Skagit County Superior Court Case No. 17-2-00609-5 (the “Action”) against Ferrosafe and its predecessor-in-interest, Rumble Spray, Inc., seeking recovery of damage to their property caused by application of pesticides to the BNSF right-of-way adjacent to the Sandhu Property, which landed on and damaged Sandhu’s blueberry plants. The Action resolved through entry by the parties in a Settlement Agreement, a true and correct copy of which is attached hereto and incorporated by reference as Exhibit D (“Agreement”). Under the Agreement, Ferrosafe agreed, inter alia, as follows: “No wide spray-which means that no one should spray wide in the summer between Bow Hill Road and Colony Road, Skagit County Washington, except for touchup work within fourteen feet from the center of any rail line and only to meet the requirements of the BNSF and the Federal Railroad Administration.” Id. at p. 2, ¶ 3.

1 2.4 Sandhu agreed to a general release in the Agreement, but only to claims arising
2 from “the spraying of any herbicides along the BNSF rail line prior to the execution of this
3 Agreement....” Id. at p. 1, ¶ 1.

4 2.5 In early June 2021, Plaintiff Jagmohan S. Sandhu observed that some of the
5 leaves on the blueberry plants closest to the railroad tracks were crinkled and curled instead of
6 smooth. The irregular leaves were only observed on plants in the area of the field closest to the
7 railroad tracks, while the most damage appeared to be concentrated in areas where the
8 vegetation buffer between the Sandhu Property and the railroad tracks was sparse.

9 2.6 Samples taken from affected plant tissue collected on June 8, 2021, tested
10 positive for substances, including, but not limited to, sulfometuron-methyl, 2,4-D and triclopyr.

11 2.7 Based upon knowledge and belief, sulfometuron-methyl, 2,4-D, triclopyr are
12 active ingredients in herbicides, including in terms of sulfometuron-methyl, Oust® Extra, and
13 are all toxic to plants, including blueberries. Sandhu have never applied herbicides containing
14 sulfometuron-methyl, 2,4-D and triclopyr to the Sandhu Property.
15

16 2.8 Based upon knowledge and belief, from 2016 through the present, Defendants
17 or their predecessors-in-interest have periodically applied herbicides, including those
18 containing sulfometuron-methyl, 2,4-D and triclopyr to the BNSF right-of-way adjacent to the
19 Sandhu Property. Based upon knowledge and belief, such applications are made from a truck
20 owned and operated by Ferrosafe with an adjustable spray boom attachment that is driven on
21 the railroad tracks.
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1 2.9 Sandhu have previously incurred damages, including crop loss, due to herbicide
2 contamination on the Sandhu Property originating from the BNSF right-of-way, which was the
3 subject of the Action.

4 2.10 Based upon knowledge and belief, in 2021, Ferrosafe, by and through the
5 approval and instructions of BNSF, applied herbicides to the BNSF right-of-way adjacent to
6 the Sandhu Property that settled onto and caused damage to the Sandhu Property and blueberry
7 plants, distinct from and subsequent to the damages that were the subject of the Action. Such
8 applications were not subject to the general release contained in the Agreement.

9 2.11 In particular, on or about April 19 and May 11, 2021, Ferrosafe applied Oust®
10 Extra, an herbicide containing the active ingredient sulfometuron-methyl, to the BNSF right-
11 of-way adjacent to the Sandhu Property that settled onto and caused damage to the Sandhu
12 Property and blueberry plants.

13 2.12 Based upon knowledge and belief, wind speeds were in excess of 10 mph
14 during some of the time periods that Ferrosafe was applying Oust® Extra around the Sandhu
15 Property on April 19 and May 11, 2019, based upon recorded information at the nearby Skagit
16 Regional Airport.

17 2.13 The specimen label for Oust® Extra states:

18 This herbicide is injurious to plants at extremely low concentrations.
19 Nontarget plants may be adversely effected from drift and run-off.

20 ***

21 Do not apply when wind speeds exceed 10 miles per hour at the application
22 site.

23 ***

24 Drift potential generally increases with wind speed. AVOID
25 APPLICATIONS DURING GUSTY WIND CONDITIONS. Applicators

1 need to be familiar with local wind patterns and terrain that could affect spray
2 drift.

3 Understanding the risks associated with the application of OUST EXTRA
4 HERBICIDE is essential to aid in preventing off-site injury to desirable
5 vegetation and agricultural crops. The risk of off-site movement both during
6 and after application may be affected by a number of site specific factors such
7 as the nature, texture and stability of the soil, the intensity and direction of
8 prevailing winds, vegetative cover, site slope, rainfall, drainage patterns, and
9 other local physical and environmental conditions. A careful evaluation of the
10 potential for off-site movement from the intended application site, including
11 movement of treated soil by wind or water erosion, must be made prior to
12 using OUST EXTRA HERBICIDE. This evaluation is particularly critical
13 where desirable vegetation or crops are grown on neighboring land for which
14 the use of OUST EXTRA HERBICIDE is not labeled. If prevailing local
15 conditions may be expected to result in off-site movement and cause damage
16 to neighboring desirable vegetation or agricultural crops, do not apply OUST
17 EXTRA HERBICIDE.

18 A true and correct copy of the EPA-approved label is attached hereto and incorporated by
19 reference as Exhibit E (citations at pp. 3, 4, 6, and 11).

20 2.14 Ferrosafe knew or should have known with substantial certainty that herbicides
21 applied to the BNSF right-of-way in the manner and under the conditions applied, were likely
22 to become volatile and/or drift onto the Sandhu Property. Ferrosafe knew or should have
23 known that its actions were, and continue to be, without authority, permission, or right.

24 2.15 Defendants' continued application of herbicides has caused, and will continue to
25 cause, damages and harm to the Sandhu Property.

26 III. FIRST CAUSE OF ACTION – TRESPASS 27 (Ferrosafe)

28 3.1 Sandhu restate and incorporate by reference paragraphs 1.1 through 2.15 herein.

1 3.2 Under Bradley v. American Smelting and Refining Co., 104 Wn.2d 677, 709
2 P.2d 782 (1985), to recover under a trespass theory based on the deposit of airborne
3 particulates onto plaintiff's land:

4 a plaintiff must show: 1) an invasion affecting an interest in the exclusive
5 possession of his property; 2) an intentional doing of the act which results in
6 the invasion; 3) reasonable foreseeability that the act done could result in an
invasion of plaintiff's possessory interest; and (4) substantial damages to the
res.

7 Id. at 691. The intent element requires "a volitional act undertaken with the knowledge and
8 substantial certainty that reasonably to be expected consequences would follow." Id. at 683.

9 3.3 Ferrosafe, and/or persons for whom Ferrosafe is vicariously liable, has
10 unlawfully invaded Sandhu's interest in the exclusive possession of the Sandhu Property by
11 depositing pesticides onto the Sandhu Property without permission, authority, or right. Such
12 acts were intentional and undertaken with the knowledge and substantial certainty that the
13 herbicides would drift onto the Sandhu Property, and with a reasonable foreseeability that such
14 acts would disturb Sandhu's possessory interests. Such acts have caused substantial damage to
15 and continue to infect the Sandhu Property and blueberry plants, which is ongoing and
16 continuing in nature, and constitutes a continuing trespass. Sandhu have suffered, and will
17 continue to suffer, damages from such trespass in an amount to be determined by the trier of
18 fact herein.

19
20 3.4 Ferrosafe's actions and trespasses have caused, and will continue to cause,
21 Sandhu to suffer actual and substantial harm, and damages in an amount to be determined by
22 the trier of fact herein, including, but not limited to, non-economic damages, including, but not
23 limited to, emotional distress damages.

IV. SECOND CAUSE OF ACTION – NUISANCE
(Ferrosafe)

4.1 Sandhu restate and incorporate by reference paragraphs 1.1 through 3.4 herein.

4.2 Ferrosafe, and/or persons for whom Ferrosafe is vicariously liable, intentionally applied pesticides to the BN right-of-way in such a manner that the pesticides invaded the Sandhu Property. Such acts have unreasonably interfered with Sandhu's use and enjoyment of their property and constitute a nuisance under RCW 7.48.010 and Riblet v. Ideal Cement Co., 57 Wn.2d 619, 358 P.2d 975 (1961). Ferrosafe's application of pesticides to the BNSF right-of-way in such a manner that the pesticides drifted onto the Sandhu Property was unreasonable. Such acts have damaged Sandhu's blueberry plants and crop, substantially interfering with Sandhu's use and enjoyment of the land and injured plants, and Sandhu's ability to farm blueberries in the affected area. Sandhu have suffered, and will continue to suffer, damages from such nuisance in an amount to be determined by the trier of fact herein.

4.3 Ferrosafe's actions and nuisances have caused, and will continue to cause, Sandhu to suffer actual and substantial harm, and damages in an amount to be determined by the trier of fact herein, including, but not limited to, non-economic damages, including, but not limited to, emotional distress damages.

V. THIRD CAUSE OF ACTION – TIMBER TRESPASS
UNDER RCW 64.12.030
(Ferrosafe)

5.1 Sandhu restate and incorporate by reference paragraphs 1.1 through 4.3 herein.

5.2 Ferrosafe, and/or persons for whom Ferrosafe is vicariously liable, have injured trees, timber, and/or shrubs on the Sandhu Property without lawful authority. Such actions by Ferrosafe were "willful" and were not casual or involuntary.

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5.3 Sandhu are entitled to recover all damages caused by Ferrosafe, and/or persons for whom Ferrosafe is vicariously liable, for timber trespass under RCW 64.12.030, in an amount to be determined by the trier of fact herein, including economic damages, including, but not limited to, the lost production value of the injured blueberry plants, and non-economic damages, including, but not limited to, emotional distress damages, and further entitled to have all such damages trebled based upon the willful acts of Ferrosafe, all of which were not casual or involuntary.

VI. FOURTH CAUSE OF ACTION – STRICT LIABILITY
(Ferrosafe)

6.1 Sandhu restate and incorporate by reference paragraphs 1.1 through 5.3 herein.

6.2 Ferrosafe's application of herbicides is an abnormally dangerous activity subject to strict liability under Langan v. Valicopters, Inc., 88 Wn.2d 855, 567 P.2d 218 (1977). In determining whether an act is "abnormally dangerous" for purposes of strict liability, the following factors are considered:

- (a) Whether the activity involves a high degree of risk of some harm to the person, land or chattels of others;
- (b) Whether the gravity of the harm which may result from it is likely to be great;
- (c) Whether the risk cannot be eliminated by the exercise of reasonable care;
- (d) Whether the activity is not a matter of common usage;
- (e) Whether the activity is inappropriate to the place where it is carried on; and
- (f) The value of the activity to the community.

Id. at 861.

6.3 Ferrosafe's application of pesticides to the BNSF right-of-way adjacent to the Sandhu Property involves a high degree of risk of injury to Sandhu, whose land is planted with blueberries susceptible to herbicides. The gravity of harm which would result from herbicide drift onto the Sandhu Property is likely to be great, as herbicides applied by Ferrosafe are toxic to blueberries. The risk of drift or contamination of the Sandhu Property cannot be eliminated by the exercise of reasonable care. The application of the herbicides in the manner and of the type used by Ferrosafe is not a matter of common usage in the community. The application of herbicides toxic to blueberries is inappropriate in a right-of-way located adjacent to and above a blueberry field. The social value of applying herbicides to control weeds on the BNSF right-of-way is outweighed by the risk of harm to Sandhu. Ferrosafe is strictly liable for damages proximately caused by its herbicide spraying activities.

6.4 Ferrosafe's application of herbicides to the BNSF right-of-way is the proximate cause of damage to Sandhu, including, but not limited to, injury to Sandhu's blueberry plants.

6.5 Ferrosafe's actions have caused, and will continue to cause, Sandhu to suffer actual and substantial harm, and damages in an amount to be determined by the trier of fact herein, including, but not limited to, non-economic damages, including, but not limited to, emotional distress damages.

VII. FIFTH CAUSE OF ACTION – NEGLIGENCE (Ferrosafe)

7.1 Sandhu restate and incorporate by reference paragraphs 1.1 through 6.5 herein.

7.2 7 U.S.C. § 136j(2)(G) of the Federal Insecticide and Environmental Pesticide Control Act declares that it is unlawful "to use any registered pesticide in a manner inconsistent with its labeling."

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1 7.3 RCW 15.58.150(2)(c) of the Washington Pesticide Control Act provides that:
 2 “It shall be unlawful: . . . [f]or any person to use or cause to be used any pesticide contrary to
 3 label directions or to regulations of the director if those regulations differ from or further
 4 restrict the label directions”

5 7.4 RCW 17.21.150(4) declares that it is a violation of the Washington Pesticide
 6 Application Act to “[o]perate[] in a faulty, careless, or negligent manner.”

7 7.5 WAC 16-228-1220(5) provides that: “No person shall apply pesticides if
 8 weather conditions are such that physical drift or volatilization may cause damage to adjacent
 9 land, humans, desirable plants or animals.”

10 7.6 WAC 16–228–1220(2) provides that: “No person shall transport, handle, store,
 11 load, apply, or dispose of any pesticide, pesticide container or apparatus in such a manner as to
 12 pollute water supplies or waterways, or cause damage or injury to land, humans, desirable
 13 plants and animals, or wildlife.”

14 7.7 Under pertinent statutes, an herbicide is included within the definition of a
 15 “pesticide.”
 16

17 7.8 At all material times hereto, Ferrosafe owed Sandhu a duty to use reasonable
 18 and ordinary care in applying herbicides on the BNSF right-of-way to avoid injury to the
 19 Sandhu Property. Ferrosafe breached this duty by, inter alia, applying herbicides against
 20 labeling instructions and in weather conditions conducive to drift, and/or in a manner that
 21 resulted in drift onto the Sandhu Property. Additionally, Ferrosafe breached a legal duty to
 22 Sandhu by failing to comply with applicable laws and regulations, including 7 U.S.C. § 136j,
 23 RCW 15.58.150, RCW 17.21.150, and WAC 16-228-1220. Ferrosafe’s breaches were the
 24

proximate cause of damage to the Sandhu Property from herbicide drift. Such actions and inactions by Ferrosafe constitute negligence.

7.9 Sulfometuron-methyl, 2,4-D and triclopyr, which are all toxic to blueberries, would not ordinarily be found in blueberry plant tissue in the absence of negligence. At all material times hereto, herbicides containing sulfometuron-methyl were applied by Ferrosafe to the BNSF right-of-way within the exclusive control of Ferrosafe. In addition, and based upon knowledge and belief, Ferrosafe has applied herbicides containing 2,4-D and triclopyr to the BNSF right-of-way adjacent to the Sandhu Property. In no way did Sandhu contribute to the occurrence of sulfometuron-methyl, 2,4-D and triclopyr in the blueberry plant tissue. Such actions and/or inactions by Ferrosafe entitle Sandhu to an inference of negligence under the doctrine of res ipsa loquitur and constitute negligence.

7.10 Ferrosafe's negligence has caused Sandhu to suffer actual and substantial harm and damages in an amount to be determined by the trier of fact herein.

VIII. SIXTH CAUSE OF ACTION – BREACH OF AGREEMENT (Ferrosafe)

8.1 Sandhu restate and incorporate by reference paragraphs 1.1 through 7.10 herein.

8.2 Under the Agreement, Ferrosafe agreed to refrain from spraying wide during the summer months.

8.3 The work by Ferrosafe, including, but not limited to, the spraying that occurred in April and May 2021, was, based upon knowledge and belief, wide spraying that occurred in the summer months, and therefore a breach of the Agreement.

8.4 Ferrosafe's breach of the Agreement has caused, and will continue to cause, Sandhu to suffer damages in an amount to be determined by the trier of fact. At all times, Sandhu have complied with the Agreement.

IX. SEVENTH CAUSE OF ACTION – PERMANENT INJUNCTION
(Ferrosafe and BNSF)

9.1 Sandhu restate and incorporate by reference paragraphs 1.1 through 8.4 herein.

9.2 Ferrosafe's and BNSF's continued application of herbicides has caused, and will continue to cause, Sandhu to suffer irreparable and long-lasting damage to the Sandhu Property and Sandhu's plants. Such actions constitute breaches and violations of the Agreement, statutes, and common law as set out herein.

9.3 In addition to all other relief to which they may be entitled, Sandhu are entitled to equitable relief, including, but not limited to, this Court's inherent authority, RCW Chapter 7.40, and equity, statute, and law, prohibiting Ferrosafe and BNSF from applying, or causing the application of any herbicide on the BNSF right-of-way adjacent to the Sandhu Property, or, alternatively, requiring Ferrosafe and BNSF to apply such products in a manner or at times that do not cause damage to plants on the Sandhu Property.

WHEREFORE, having stated claims for relief, Sandhu pray as follows:

1. for judgment against Defendants in the amount of all damages found by the trier of fact herein, including, but not limited to, non-economic damages, including, but not limited to, those for emotional distress;

2. for judgment trebling all damages found by the trier of fact herein;


3. for a permanent, and where applied for a temporary, injunction prohibiting Ferrosafe and BNSF from applying, or causing the application of, any herbicide on the BNSF

1 right-of-way adjacent to the Sandhu Property, or, alternatively, requiring Ferrosafe and BNSF
2 to apply such products in a manner or at times that do not cause damage to plants on the
3 Sandhu Property;

4 4. for an award of Sandhu's attorneys' fees and costs against Defendants as
5 allowed by statute, including, but not limited to, RCW 4.24.630, contract, law, or equity; and

6 5. for such other relief as the Court deems just and proper.

7 DATED this 22nd day of November, 2021.

8
9 

10 Mark J. Lee, WSBA #19339

11 Haylee J. Hurst, WSBA #51406

12 Elizabeth Slattery, WSBA #56349

13 of Wolf & Lee, LLP

14 Attorneys for Plaintiffs

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25 **FIRST AMENDED COMPLAINT FOR TRESPASS,
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EXHIBIT A

Parcel Nos. P48422, P48400, P48404, P48442, P48443, P48445:

THAT PORTION OF SECTION 27, TOWNSHIP 36 NORTH, RANGE 3 EAST, W.M., LYING SOUTHERLY AND WESTERLY OF THE COLONY ROAD AND KALLSTROM ROAD AND LYING NORTHEASTERLY OF THE EASTERLY LINE OF THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY (FORMERLY THE SEATTLE & MONTANA RAILROAD RIGHT-OF-WAY).

EXCEPTING THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER LYING WEST OF COLONY ROAD IN SECTION 27, TOWNSHIP 36 NORTH, RANGE 3 EAST OF W.M.

SITUATE IN SKAGIT COUNTY, WASHINGTON.

Parcel No. P48635:

THAT PORTION OF THE EAST $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 3 EAST, W.M., LYING EASTERLY OF THE GREAT NORTHERN RAILROAD RIGHT-OF-WAY EXCEPT THOSE PORTIONS THEREOF, IF ANY, LYING WITHIN THE FOLLOWING DESCRIBED TRACTS:

(1) THE SOUTH 87.15 FEET OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 34,

(2) THE COUNTY ROAD KNOWN AS KALLSTROM ROAD.

SITUATE IN SKAGIT COUNTY, WASHINGTON

EXHIBIT B

Parcel No. P48437:

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER LYING WEST OF COLONY ROAD IN SECTION 27, TOWNSHIP 36 NORTH, RANGE 3 EAST OF W.M.

SITUATE IN SKAGIT COUNTY, WASHINGTON.

Parcel No P48710:

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER IN SECTION 35, TOWNSHIP 36 NORTH, RANGE 3 EAST OF W.M., LYING SOUTHWESTERLY OF THE COUNTY ROAD, EXCEPT THAT PORTION THEREOF LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SUBDIVISION WHICH IS 660 FEET EAST OF THE WEST LINE THEREOF; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION TO A POINT WHICH IS 825 FEET SOUTH AND 660 FEET EAST OF THE NORTHEAST CORNER THEREOF; THENCE NORTH 88°38'32" EAST PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 39 FEET; THENCE NORTH 0°15'15" WEST A DISTANCE OF 487.08 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE COUNTY ROAD AND THE TERMINAL POINT OF THE LINE BEING DESCRIBED.

ALSO, EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE ABOVE DESCRIBED TERMINAL POINT; THENCE SOUTH 00°05'19" WEST, A DISTANCE OF 124.00 FEET; THENCE NORTH 89°54'41" WEST A DISTANCE OF 79.00 FEET; THENCE NORTH 25°20'34" WEST A DISTANCE OF 276.04 FEET; THENCE NORTH 48°21'09" EAST A DISTANCE OF 64.00 FEET TO SAID SOUTH RIGHT OF WAY LINE OF THE COLONY ROAD; THENCE SOUTH 41°38'51" EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 225 FEET TO THE POINT OF BEGINNING.

ALSO, INCLUDING THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 36 NORTH, RANGE 3 EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 35; THENCE NORTH 0°05'15" WEST ALONG THE WEST LINE OF THE

NORTHWEST QUARTER OF SAID SECTION, 709.57 FEET TO THE EASTERLY LINE OF THE GREAT NORTHERN RAILWAY RIGHT OF WAY AND THE TRUE POINT OF BEGINNING; THENCE CONTINUE NORTH $0^{\circ}05'15''$ WEST 624.03 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE NORTH $88^{\circ}38'32''$ EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER 781.75 FEET; THENCE SOUTH $8^{\circ}09'25''$ EAST 423.39 FEET; THENCE SOUTH $21^{\circ}04'41''$ EAST 75 FEET, MORE OR LESS, TO THE CENTERLINE OF AN EXISTING DRAINAGE DITCH; THENCE SOUTHWESTERLY TO THE POINT OF BEGINNING.

SITUATE IN SKAGIT COUNTY, WASHINGTON.

EXHIBIT C

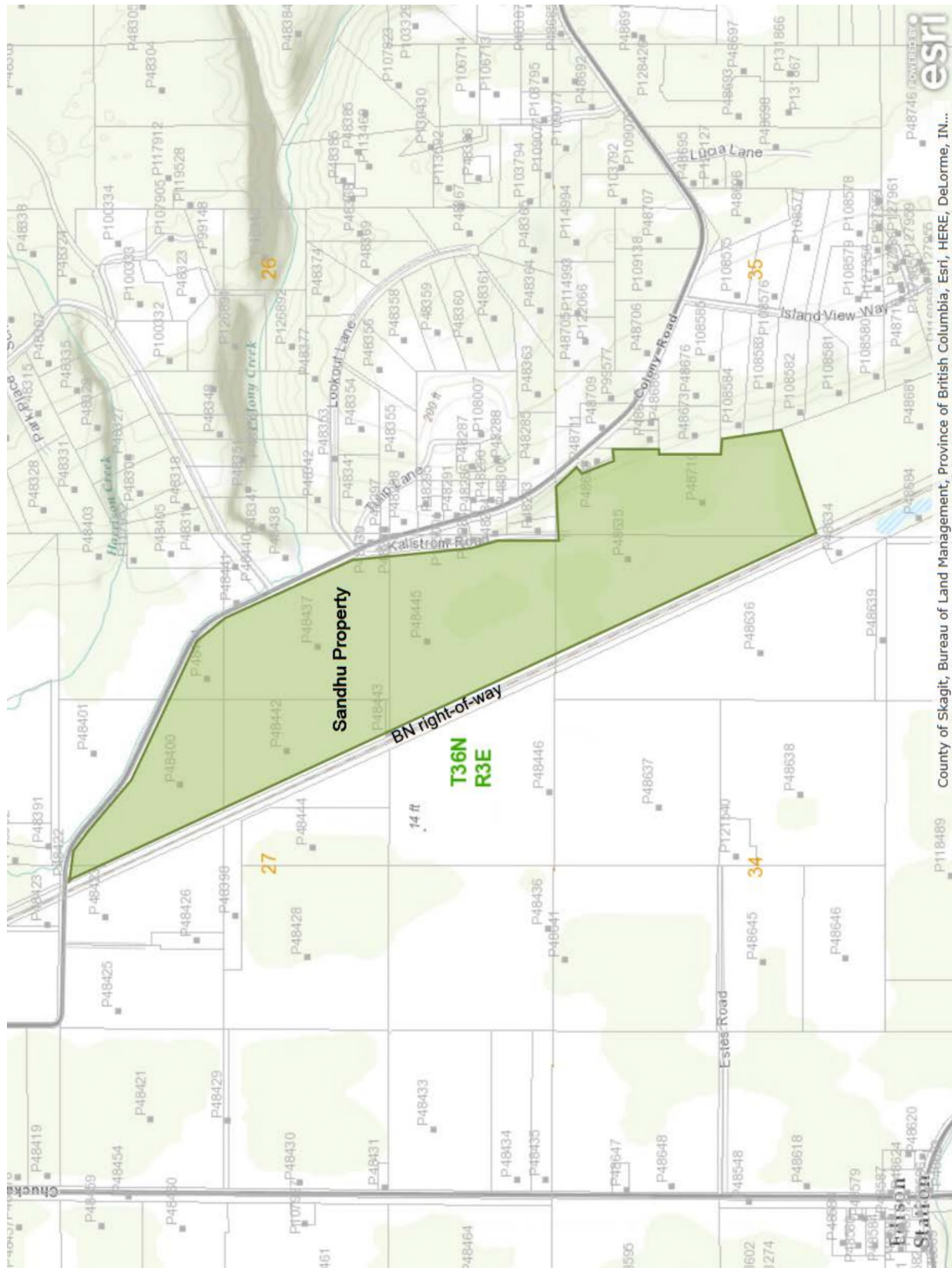


EXHIBIT D

RELEASE AND SETTLEMENT OF ALL CLAIMS

COME NOW SANDHU FARM, INC., a Washington corporation, JAGMOHAN S. AND KARMJIT K. SANDHU, INDERJIT AND CHARMJIT SANDHU, and SHAMSHER S. AND DHARMVIR K. SANDHU (collectively "Sandhu"); and RUMBLE SPRAY, INC., a Washington corporation, AND FERROSAFE, LLC, a Washington limited liability company (collectively "Rumble") and enter into this RELEASE AND SETTLEMENT OF ALL CLAIMS ("Agreement").

1. Settlement Amount and Release

For and in consideration of the total payment of Two Hundred Seventy Five Thousand and No/100 Dollars (\$275,000.00) ("Settlement Amount"), Sandhu do hereby forever release, remise, acquit, and discharge Rumble; BNSF Railway Company ("BNSF"); Alligare, LLC; and all of their respective employees, officers, directors, owners, members, subsidiaries, affiliates, and agents; and all pertinent protection, indemnity, and liability carriers and underwriters, including, but not limited to, the Nationwide E&S Specialty, Casualty Claims from any and all claims, demands, damages, liabilities, suits, actions, and causes of action of whatsoever kind, nature, or description, present and future, now known or hereafter discovered, whether arising in law or equity, upon contract or tort, or under state or federal law or laws, or under common law or otherwise, which Sandhu now have, or hereafter may have, for or by reason of any act, omission, matter, cause, or thing whatsoever related to the spraying of any herbicides along the BNSF rail line prior to the execution of this Agreement adjacent to that real property legally described in Exhibit A, which is attached hereto and incorporated by reference ("Property"), and which is the basis of the claims made, or that could have been made, in the matter Sandhu Farm,

RELEASE AND SETTLEMENT OF ALL CLAIMS

Inc. et. al. v. Rumble Spray, Inc. et. al. Washington State Superior Court Skagit County, Cause No. 17-2-00609-5 (“the Action”).

The Settlement Amount is intended to be a complete settlement of all claims associated with the claims made or that could have been made in the Action against Rumble and the other releases. This Agreement constitutes a waiver and release of all claims arising from the acts that form the basis of the Action.

The Settlement Amount shall be paid through a check made payable to “Sandhu Farm, Inc.” that is delivered to Brownlie, Wolf & Lee, LLP, 230 E. Champion St., Bellingham, WA 98225 within fourteen (14) calendar days following full execution of this Agreement.

2. No Admission of Fault or Liability

This Agreement and the giving of consideration does not constitute an admission of liability or of any obligation to indemnify or pay Sandhu by any one or more of the releases, and is given in full settlement and compromise of disputed claims that exist at the time of execution of this Agreement.

3. Future Spraying by Rumble

Rumble, its agents, successors, subsidiaries, and subcontractors shall in the future recognize the following restriction and practice in relationship to spraying activities within the BNSF rail road right of way near the Property: No wide spray – which means that no one should spray wide in the summer between Bow Hill Road and Colony Road, Skagit County Washington, except for touchup work within fourteen feet from the center of any rail line and only to meet the requirements of the BNSF and the Federal Railroad Administration.

RELEASE AND SETTLEMENT OF ALL CLAIMS

4. Scope of Release

This Agreement extends to, releases, binds, and inures to the benefit of the undersigned, and all heirs, executors, administrators, personal representatives, underwriters, beneficiaries, attorneys, employees, agents, and assigns.

5. Representation and Warranty


The signors below represent and warrant that they have authority to sign this Agreement on behalf of the respective companies or limited liability companies.

6. Dismissal of Action

Upon full execution of this Agreement, and receipt of the Settlement Amount by Brownlie, Wolf & Lee, LLP on behalf of Sandhu, counsel for the parties shall file and obtain a voluntary dismissal with prejudice of the Action, without an award of costs or fees to any party.

7. This Agreement may be executed in counterparts, including counterparts received by e-mail or facsimile transmission with each counterpart constituting an original.

DATED this ²⁸~~04~~ day of February, 2019.




Sandhu Farm, Inc.

By: JAG SANDHU
Its: manager



Jagmohan S. Sandhu



Karmjit K. Sandhu

RELEASE AND SETTLEMENT OF ALL CLAIMS

Inderjit Sandhu

Inderjit Sandhu

Charmjit Kaur Sandhu

Charmjit Sandhu

Shamsher S. Sandhu

Shamsher S. Sandhu

Dharmvir K. Sandhu

Dharmvir K. Sandhu

Rumble Spray, Inc.

By: _____

Its: _____

Ferrosafe, LLC

By: _____

Its: _____

RELEASE AND SETTLEMENT OF ALL CLAIMS

Karmjit K. Sandhu

Inderjit Sandhu

Charmjit Sandhu

Shamsher S. Sandhu

Dharmvir K. Sandhu

Rumble Spray, Inc.

By: 

Its: COO

Ferrosafe, LLC

By: 

Its: Chairman

EXHIBIT A

Parcel Nos. P48422, P48400, P48404, P48442, P48443, P48445:

THAT PORTION OF SECTION 27, TOWNSHIP 36 NORTH, RANGE 3 EAST, W.M., LYING SOUTHERLY AND WESTERLY OF THE COLONY ROAD AND KALLSTROM ROAD AND LYING NORTHEASTERLY OF THE EASTERLY LINE OF THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY (FORMERLY THE SEATTLE & MONTANA RAILROAD RIGHT-OF-WAY).

EXCEPTING THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER LYING WEST OF COLONY ROAD IN SECTION 27, TOWNSHIP 36 NORTH, RANGE 3 EAST OF W.M.

SITUATE IN SKAGIT COUNTY, WASHINGTON.

Parcel No. P48635:

THAT PORTION OF THE EAST $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 3 EAST, W.M., LYING EASTERLY OF THE GREAT NORTHERN RAILROAD RIGHT-OF-WAY EXCEPT THOSE PORTIONS THEREOF, IF ANY, LYING WITHIN THE FOLLOWING DESCRIBED TRACTS:

(1) THE SOUTH 87.15 FEET OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 34,

(2) THE COUNTY ROAD KNOWN AS KALLSTROM ROAD.

SITUATE IN SKAGIT COUNTY, WASHINGTON

Parcel No. P48437:

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER LYING WEST OF COLONY ROAD IN SECTION 27, TOWNSHIP 36 NORTH, RANGE 3 EAST OF W.M.

SITUATE IN SKAGIT COUNTY, WASHINGTON.

Parcel No P48710:

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER IN SECTION 35, TOWNSHIP 36 NORTH, RANGE 3 EAST OF W.M., LYING SOUTHWESTERLY OF THE COUNTY ROAD, EXCEPT THAT PORTION THEREOF LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SUBDIVISION WHICH IS 660 FEET EAST OF THE WEST LINE THEREOF; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION TO A POINT WHICH IS 825 FEET SOUTH AND 660 FEET EAST OF THE NORTHEAST CORNER THEREOF; THENCE NORTH 88°38'32" EAST PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 39 FEET; THENCE NORTH 0°15'15" WEST A DISTANCE OF 487.08 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE COUNTY ROAD AND THE TERMINAL POINT OF THE LINE BEING DESCRIBED.

ALSO, EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE ABOVE DESCRIBED TERMINAL POINT; THENCE SOUTH 00°05'19" WEST, A DISTANCE OF 124.00 FEET; THENCE NORTH 89°54'41" WEST A DISTANCE OF 79.00 FEET; THENCE NORTH 25°20'34" WEST A DISTANCE OF 276.04 FEET; THENCE NORTH 48°21'09" EAST A DISTANCE OF 64.00 FEET TO SAID SOUTH RIGHT OF WAY LINE OF THE COLONY ROAD; THENCE SOUTH 41°38'51" EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 225 FEET TO THE POINT OF BEGINNING.

ALSO, INCLUDING THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 36 NORTH, RANGE 3 EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 35; THENCE NORTH 0°05'15" WEST ALONG THE WEST LINE OF THE

NORTHWEST QUARTER OF SAID SECTION, 709.57 FEET TO THE EASTERLY LINE OF THE GREAT NORTHERN RAILWAY RIGHT OF WAY AND THE TRUE POINT OF BEGINNING; THENCE CONTINUE NORTH $0^{\circ}05'15''$ WEST 624.03 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE NORTH $88^{\circ}38'32''$ EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER 781.75 FEET; THENCE SOUTH $8^{\circ}09'25''$ EAST 423.39 FEET; THENCE SOUTH $21^{\circ}04'41''$ EAST 75 FEET, MORE OR LESS, TO THE CENTERLINE OF AN EXISTING DRAINAGE DITCH; THENCE SOUTHWESTERLY TO THE POINT OF BEGINNING.

SITUATE IN SKAGIT COUNTY, WASHINGTON.

EXHIBIT E



Oust[®]
EXTRA

HERBICIDE

GROUP 2 HERBICIDE

Dispersible Granules

Active Ingredient **By Weight**

Sulfometuron-methyl

{Methyl 2-[[[(4,6-dimethyl-2-pyrimidinyl)amino]-carbonyl]amino] sulfonyl}benzoate}56.25%

Metsulfuron-methyl

Methyl 2-[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]-carbonyl]amino]sulfonyl]benzoate

15.00%

28.75%

Other Ingredients

Total

100%

EPA Reg. No. 432-1557

KEEP OUT OF REACH OF CHILDREN
CAUTION

Nonrefillable Container

Net Weight

4 Pounds

85787128

85805304E 180308AV3

See Back Panel for First

Aid Instructions and

Booklet for Complete

Precautionary

Statements and

Directions for Use.

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
(If you do not understand this label, find someone to explain it to you in detail.)

FIRST AID

IF ON SKIN OR CLOTHING: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for further treatment advice.

IF IN EYES: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first five minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

Have the product container label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-334-7577 for emergency medical treatment information.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if absorbed through skin. Causes moderate eye irritation. Avoid contact with skin, eyes, or clothing.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

All mixers, loaders applicators and other handlers must wear:

Long-sleeved shirt and long pants

Shoes plus socks

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.

Engineering Control Statement: Pilots must use an enclosed cockpit that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40CFR 170.240(d)(6)].

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in Worker

Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d) (4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

USER SAFETY RECOMMENDATIONS

USERS SHOULD: Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Remove PPE immediately after handling this product. Wash the outside of gloves before removing.

As soon as possible, wash thoroughly and change into clean clothing.

Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. If no such instructions for washables exist, use detergent and hot water.

ENVIRONMENTAL HAZARDS

For terrestrial uses, except under the forest canopy, do not apply directly to water, or to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not contaminate water by cleaning of equipment or disposal of equipment washwaters or rinsate.

This herbicide is injurious to plants at extremely low concentrations. Nontarget plants may be adversely effected from drift and run-off.

Exposure to OUST® EXTRA HERBICIDE can injure or kill plants. Damage to susceptible plants can occur when soil particles are blown or washed off target onto cropland. Sulfometuron-methyl and metsulfuron-methyl are known to leach through soil into groundwater under certain conditions as a result of label use. These chemicals may leach into groundwater if used in areas where soils are permeable, particularly where the water table is shallow.

This product may impact surface water quality due to runoff of rain water. This is especially true for poorly draining soils and soils with shallow ground water. This product is classified as having high potential for reaching surface water via runoff for several months or more after application. A level, well-maintained vegetative buffer strip between areas to which this product is applied and surface water features such as ponds, streams, and springs will reduce the potential loading of sulfometuron-methyl from runoff water and sediment. Runoff of this product will be greatly reduced by avoiding applications when rainfall or irrigation is expected to occur within 48 hours.

DIRECTIONS FOR USE

It is a violation of federal law to use this product in a manner inconsistent with its labeling.

OUST EXTRA HERBICIDE must be used only in accordance with instructions on this label or in BAYER CROPSCIENCE LP supplemental labeling.

BAYER CROPSCIENCE LP will not be responsible for losses or damages resulting from the use of this product in any manner not specifically instructed by BAYER CROPSCIENCE LP. User assumes all risks associated with such non-labeled use to the extent consistent with applicable law.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application.

For any requirements specific to your State or Tribe, consult the agency in your State responsible for pesticide regulation.

MANDATORY SPRAY DRIFT REQUIREMENTS

Aerial Applications:

- Do not release spray at a height greater than 10 ft above the vegetative canopy, unless a greater application height is necessary for pilot safety.
- Applicators are required to use an Extremely Coarse or Coarser droplet size (ASABE S572.1) for all applications.
- The boom length must not exceed 65% of the wingspan for airplanes or 75% of the rotor blade diameter for helicopters.
- Applicators must use $\frac{1}{2}$ swath displacement upwind at the downwind edge of the field.
- Nozzles must be oriented so the spray is directed toward the back of the aircraft.
- Do not apply when wind speeds exceed 10 miles per hour at the application site.
- Do not apply during temperature inversions.

Ground Boom Applications:

- Apply with the nozzle height recommended by the manufacturer, but no more than 3 feet above the ground or target vegetation, unless making an industrial turf application, in which case applicators may apply with a nozzle height no more than 4 feet above the crop or target vegetation.

continued)

MANDATORY SPRAY DRIFT REQUIREMENTS *(continued)*

- Applicators are required to use an Extremely Coarse or coarser droplet size (ASABE S572.1) for all applications.
- Do not apply when wind speeds exceed 10 miles per hour at the application site.
- Do not apply during temperature inversions.

Boom-less Ground Applications:

- Applicators are required to use an Extremely Coarse or coarser droplet size (ASABE S572.1) for all applications.
- Do not apply when wind speeds exceed 10 miles per hour at the application site.
- Do not apply during temperature inversions.

SPRAY DRIFT ADVISORIESBoom-less Ground Applications:

- Setting nozzles at the lowest effective height will help to reduce the potential for spray drift.
- Handheld Technology Applications:

- Take precautions to minimize spray drift.

THE APPLICATOR IS RESPONSIBLE FOR AVOIDING OFF-SITE SPRAY DRIFT. BE AWARE OF NEARBY NON-TARGET SITES AND ENVIRONMENTAL CONDITIONS.

IMPORTANCE OF DROPLET SIZE

An effective way to reduce spray drift is to apply large droplets. Use the largest droplets that provide target pest control. While applying larger droplets will reduce spray drift, the potential for drift will be greater if applications are made improperly or under unfavorable environmental conditions.

Controlling Droplet Size – Ground Boom

- Volume - Increasing the spray volume so that larger droplets are produced will reduce spray drift. Use the highest practical spray volume for the application. If a greater spray volume is needed, consider using a nozzle with a higher flow rate.
- Pressure - Use the lowest spray pressure recommended for the nozzle to produce the target spray volume and droplet size.
- Spray Nozzle - Use a spray nozzle that is designed for the intended application. Consider using nozzles designed to reduce drift.

Controlling Droplet Size – Aircraft

- Adjust Nozzles - Follow nozzle manufacturers recommendations for setting up nozzles. Generally, to reduce fine droplets, nozzles should be oriented parallel with the airflow in flight.

BOOM HEIGHT – Ground Boom

Use the lowest boom height that is compatible with the spray nozzles that will provide uniform coverage. For ground equipment, the boom should remain level with the crop and have minimal bounce.

RELEASE HEIGHT - Aircraft

Higher release heights increase the potential for spray drift. When applying aerially to crops, do not release spray at a height greater than 10 ft above the crop canopy, unless a greater application height is necessary for pilot safety.

SHIELDED SPRAYERS

Shielding the boom or individual nozzles can reduce spray drift. Consider using shielded sprayers. Verify that the shields are not interfering with the uniform deposition of the spray on the target area.

TEMPERATURE AND HUMIDITY

When making applications in hot and dry conditions, use larger droplets to reduce effects of evaporation.

TEMPERATURE INVERSIONS

Drift potential is high during a temperature inversion. Temperature inversions are characterized by increasing temperature with altitude and are common on nights with limited cloud cover and light to no wind. The presence of an inversion can be indicated by ground fog or by the movement of smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing. Avoid applications during temperature inversions.

WIND

Drift potential generally increases with wind speed. AVOID APPLICATIONS DURING GUSTY WIND CONDITIONS.

Applicators need to be familiar with local wind patterns and terrain that could affect spray drift.

NON-TARGET ORGANISM ADVISORY

This product is toxic to plants and may adversely impact the forage and habitat of non-target organisms, including pollinators, in areas adjacent to the treated area. Protect the forage and habitat of non-target organisms by minimizing spray drift. For further

guidance and instructions on how to minimize spray drift, refer to the Spray Drift Management section of this label.

WINDBLOWN SOIL PARTICLES RESTRICTION

Applications may not be made to soil that is subject to wind erosion when less than a 60% chance of rainfall is predicted to occur in the treatment area within 48 hours. Soils that are subject to wind erosion usually have a high silt and/or fine to very fine sand fractions. Soils with low organic matter also tend to be prone to wind erosion.

Maximum Rate - Annual

- Do not apply more than 10 2/3 ounces OUST EXTRA HERBICIDE per acre per year*.
 - Do not apply more than 0.375 pounds of the active ingredient sulfometuron-methyl per acre per year when using any combination of products containing sulfometuron-methyl.
 - Do not apply more than 0.15 pounds of the active ingredient metsulfuron-methyl per acre per year when using any combination of products containing metsulfuron-methyl.
 - Do not apply more than two applications per year for all uses with a minimum of 30 days between applications.
- * 10 2/3 ounces OUST EXTRA HERBICIDE contains 0.375 pounds of the active ingredient sulfometuron-methyl and 0.10 pounds active ingredient metsulfuron-methyl.

Maximum Rate – Single Application on an Agricultural site

- Do not apply more than 5 2/3 ounces OUST EXTRA HERBICIDE per acre*.
 - Do not apply more than 0.199 pounds of the active ingredient sulfometuron-methyl per acre when using any combination of products containing sulfometuron-methyl.
- * 5 2/3 ounces OUST EXTRA HERBICIDE contains 0.199 pounds of the active ingredient sulfometuron-methyl and 0.053 pounds of the active ingredient metsulfuron-methyl.)

Maximum Rate – Single Application on a Non-Agricultural site

- Do not apply more than 8 ounces OUST EXTRA HERBICIDE per acre*.
 - Do not apply more than 0.281 pounds of the active ingredient sulfometuron-methyl per acre when using any combination of products containing sulfometuron-methyl.
- * 8 ounces OUST EXTRA HERBICIDE contains 0.281 pounds of the active ingredient sulfometuron-methyl and 0.075 pounds of the active ingredient metsulfuron-methyl.

PRODUCT INFORMATION

OUST EXTRA HERBICIDE is a dispersible granule that is mixed in water and applied as a spray or impregnated on dry, bulk fertilizer. OUST EXTRA HERBICIDE controls many annual and perennial grasses and broadleaf weeds in conifer plantations and non-crop sites. It also may be used to control certain hardwoods and vines when applied in site preparation treatments.

OUST EXTRA HERBICIDE may be used for general weed control on terrestrial non-agricultural sites and for selective weed control in certain types of industrial turfgrasses on these same sites. OUST EXTRA HERBICIDE may be used for the control of certain woody plants, vines, and herbaceous weeds in site preparation and release of various conifers. OUST EXTRA HERBICIDE can be tank mixed with other herbicides registered for use in conifer plantations and non-crop sites; when tank mixing, use the most restrictive limitations from the labeling of both products. It is the pesticide user's responsibility to ensure that all products are registered for the intended use. Read and follow the applicable restrictions and limitations and directions for use on all product labels involved in tank mixing. Users must follow the most restrictive directions for use and precautionary statements of each product in the tank mixture.

Herbaceous weed are controlled by both preemergence and postemergence activity. The best results are obtained when the application is made before or during the early stages of weed growth before weeds develop an established root system. Moisture is required to move OUST EXTRA HERBICIDE into the root zone of weeds for preemergence control. The best results on undesirable hardwoods and vines are obtained with a foliar spray between full leaf expansion in the spring and normal defoliation in the fall. This product may be applied on conifer plantations and non-crop sites that contain areas of temporary surface water caused by collection of water between planting beds, in equipment ruts, or in other depressions created by management activities. It is permissible to treat intermittently flooded low lying sites, seasonally dry flood plains, and transitional areas between upland and lowland sites when no water is present. It is also permissible to treat marshes, swamps and bogs after water has receded, as well as seasonally dry flood deltas. Do not make applications to natural or man-made bodies of water such as lakes, reservoirs, ponds, streams and canals.

In the application of OUST EXTRA HERBICIDE, a drift control agent may be used per the manufacturer's guideline.

OUST EXTRA HERBICIDE is noncorrosive, nonflammable, nonvolatile, and does not freeze.

For best postemergence results, apply OUST EXTRA HERBICIDE to young, actively growing weeds. The use rate depends upon the weed species, weed size at application, and soil texture. The degree and duration of control may depend on the following:

- weed spectrum and infestation intensity
- weed size at application
- environmental conditions at and following treatment
- soil pH, soil moisture, and soil organic matter

Use a high rate on established plants and on fine-textured soils and a lower rate on smaller weeds and coarse-textured soils.

ENVIRONMENTAL CONDITIONS AND BIOLOGICAL ACTIVITY

When applied as a spray, OUST EXTRA HERBICIDE is absorbed by both the roots and foliage of plants, rapidly inhibiting the growth of susceptible weeds. When applied on dry fertilizer, OUST EXTRA HERBICIDE is absorbed primarily by the roots. Two to 3 weeks after application to weeds, leaf growth slows, and the growing points turn reddish-purple. Within 4 to 6 weeks of application, leaf veins and leaves become discolored, and the growing points subsequently die.

Warm, moist conditions following application accelerate the herbicidal activity of OUST EXTRA HERBICIDE; cold, dry conditions delay the herbicidal activity. In addition, undesirable hardwoods, vines and weeds hardened-off by drought stress are less susceptible to OUST EXTRA HERBICIDE. Moisture is needed to move OUST EXTRA HERBICIDE into the soil for preemergence weed control.

INVASIVE SPECIES MANAGEMENT

This product may be considered for use on public, private, and tribal lands to treat certain weed species infestations that have been determined to be invasive, consistent with the Federal Interagency Committee for the Management of Noxious and Exotic Weeds (FICMNEW) National Early Detection and Rapid Response (EDRR) System for invasive plants. Effective EDRR systems address invasions by eradicating the invader where possible, and controlling them when the invasive species is too established to be feasibly eradicated. Once an EDRR assessment has been completed and action is recommended, a Rapid Response needs to be taken to quickly contain, deny reproduction, and if possible eliminate the invader. Consult your appropriate state extension service, forest service, or regional multidisciplinary invasive species management coordination team to determine the appropriate Rapid Response provisions and allowed treatments in your area.

WEED RESISTANCE MANAGEMENT

OUST EXTRA HERBICIDE contains the active ingredients sulfometuron-methyl and metsulfuron-methyl which are Group 2 Herbicides based on the mode of action classification system of the Weed Science Society of America. When herbicides that affect the same biological site of action are used repeatedly over several years to control the same weed species in the same field,

naturally-occurring resistant biotypes may survive a correctly applied herbicide treatment, propagate, and become dominant in that field. Adequate control of these resistant weed biotypes cannot be expected.

Follow the best management practices listed below to delay the development of herbicide resistant weeds.

- Fields should be scouted prior to application to identify the weed species present and their growth stage to determine if the intended application will be effective. Fields should be scouted after application to verify that the treatment was effective.
- Identify weeds present in the field through scouting and field history and understand their biology. The weed-control program should consider all of the weeds present.
- Suspected herbicide-resistant weeds may be identified by these indicators:
 - o Failure to control a weed species normally controlled by the herbicide at the dose applied, especially if control is achieved on adjacent weeds;
 - o A spreading patch of non-controlled plants of a particular weed species; and
 - o Surviving plants mixed with controlled individuals of the same species.
- Contact your local sales representative, crop advisor, or extension agent to find out if suspected resistant weeds to this MOA have been found in your region. If resistant biotypes of target weeds have been reported, use the application rates of this product specified for your local conditions. Tank mix products so that there are multiple effective mechanisms of actions for each target weed.
- Report any incidence of non-performance of this product against a particular weed species to your Bayer distributor, Bayer representative or call 1-800-331-2867.
- If resistance is suspected, treat weed escapes with an herbicide having a different mechanism of action and/or use non-chemical means to remove escapes, as practical, with the goal of preventing further seed production.
- Use a diversified approach toward weed management. Whenever possible incorporate multiple weed-control practices such as mechanical cultivation, biological management practices, and crop rotation.
- To the extent possible, do not allow weed escapes to produce seeds, roots, or tubers.
- Difficult to control weeds may require sequential applications of herbicides with differing mechanisms of action.
- Apply this herbicide at the correct timing and rate needed to control the most difficult weeds in the field.
- Use a broad spectrum soil-applied herbicide with a mechanism of action that differs from this product as a foundation in a

weed-control program.

- Do not use more than two applications of this or any other herbicide with the same mechanism of action within a single growing season unless mixed with an herbicide with another mechanism of action with an overlapping spectrum for the difficult-to-control weeds.

INTEGRATED PEST MANAGEMENT

This product may be used as part of an Integrated Pest Management (IPM) program that can include biological, cultural, and genetic practices aimed at preventing economic pest damage. IPM principles and practices include field scouting or other detection methods, correct target pest identification, population monitoring, and treating when target pest populations reach locally determined action thresholds. Consult your state cooperative extension service, professional consultants or other qualified authorities to determine appropriate action treatment threshold levels for treating specific pest/crop systems in your area.

PREPARING FOR USE – Site Specific Considerations

Understanding the risks associated with the application of OUST EXTRA HERBICIDE is essential to aid in preventing off-site injury to desirable vegetation and agricultural crops. The risk of off-site movement both during and after application may be affected by a number of site specific factors such as the nature, texture and stability of the soil, the intensity and direction of prevailing winds, vegetative cover, site slope, rainfall, drainage patterns, and other local physical and environmental conditions. A careful evaluation of the potential for off-site movement from the intended application site, including movement of treated soil by wind or water erosion, must be made prior to using OUST EXTRA HERBICIDE. This evaluation is particularly critical where desirable vegetation or crops are grown on neighboring land for which the use of OUST EXTRA HERBICIDE is not labeled. If prevailing local conditions may be expected to result in off-site movement and cause damage to neighboring desirable vegetation or agricultural crops, do not apply OUST EXTRA HERBICIDE.

Before applying OUST EXTRA HERBICIDE the user must read and understand all label directions, precautions and restrictions completely, including these requirements for a site specific evaluation. If you do not understand any of the instructions or precautions on the label, or are unable to make a site specific evaluation yourself, consult your local agricultural dealer, cooperative extension service, land managers, professional consultants, or other qualified authorities familiar with the area to be treated. If you still have questions regarding the need for site specific considerations, please call 1-800-331-2867.

AGRICULTURAL USES

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 4 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

Coveralls

Chemical resistant gloves made of any waterproof material

Shoes plus socks

CONIFER PLANTATIONS APPLICATION INFORMATION

When applied as a spray, OUST EXTRA HERBICIDE controls certain undesirable woody plants, vines and many broadleaf weeds and grasses in conifer plantation sites. Apply sprays by ground equipment or by helicopter. Apply impregnated fertilizer by ground equipment or by air (helicopter or fixed wing aircraft) to control broadleaf weeds and grasses.

When applied as a spray, OUST EXTRA HERBICIDE controls woody plants and vines by postemergent foliar activity. The best results are obtained with a foliar spray between full leaf expansion in the spring and normal defoliation in the fall.

OUST EXTRA HERBICIDE may be tank mixed with other herbicides registered for use in conifer plantations; when tank mixing use the most restrictive limitations from the labels of both products. It is the pesticide user's responsibility to ensure that all products are registered for the intended use. Read and follow the applicable restrictions and limitations and directions for use

on all product labels involved in tank mixing. Users must follow the most restrictive directions for use and precautionary statements of each product in the tank mixture.

APPLICATION TIMING

To control broadleaf weeds and grasses, apply OUST EXTRA HERBICIDE sprays before herbaceous weeds emerge or shortly thereafter. Apply impregnated fertilizer before weeds emerge.

APPLICATION RATES

Apply OUST EXTRA HERBICIDE at the rates indicated by conifer species. Use a lower rate on coarse-textured soils (i.e., loamy sands, sandy loams) and a higher rate on fine textured soils (i.e. sandy clay loams and silty clay loams).

WEEDS CONTROLLED

OUST EXTRA HERBICIDE effectively controls or suppresses the weeds and vines listed under the WEEDS CONTROLLED in the NON-AGRICULTURAL USE section of this label when applied at the rates specified.

CONIFER SITE PREPARATION

APPLICATION BEFORE TRANSPLANTING

Make all applications before transplanting to control specified hardwoods, vines, broadleaf weeds and grasses. To improve control of targeted pests, add a surfactant at the rate specified on the manufacturer's label or as limited by the companion product (tank mixtures) label.

USE RATES FOR SELECTED SPECIES

USE RATES BEFORE TRANSPLANTING CONIFERS

Species	Rate ounces/acre	When to Transplant into Treated Areas
Loblolly Pine	3 to 5 1/3	Planting season following application
Longleaf Pine	3 to 4*	Planting season following application
Slash Pine	3 to 4	Planting season following application
Black Spruce	2 2/3 to 5 1/3	Not less than 13 months following application
Red Pine	1 1/3 to 2 2/3	The following spring or summer but not less than 3 months after application. Areas receiving 2/3 to 1 1/3 oz/acre may be transplanted in a min. of

Douglas Fir	2 2/3 to 5 1/3	30 days following application
Sitka Spruce	2 2/3 to 5 1/3	Planting season following application
Western Hemlock	2 2/3 to 5 1/3	Planting season following application
Ponderosa Pine	2 2/3 to 5 1/3	Planting season following application
		Arid regions: Apply in fall and plant the next spring
		West of Cascades: Planting season following application
Western Red Cedar	2.0 to 3.0	Planting season following application
Grand Fir	2.0 to 3.0	Planting season following application

Other species of conifers may be planted providing the user has experience indicating acceptable crop safety to OUST EXTRA HERBICIDE. Without prior experience, it is advised that small area plantings be tested for crop safety to OUST EXTRA HERBICIDE before large scale plantings are made. The user accepts all responsibility for injury on any conifer species not listed above to the extent consistent with applicable law.

TANK MIXTURES

South/Southeast US

OUST EXTRA HERBICIDE may be tank mixed with site preparation treatments applied beginning in the late summer to broaden the spectrum of undesirable hardwoods controlled and provide herbaceous weed control in the year following transplanting. The list of herbicides that can be tank mixed with OUST EXTRA HERBICIDE include but is not limited to ESPLANADE® F, glyphosate, imazapyr, and triclopyr. It is the pesticide user's responsibility to ensure that all products are registered for the intended use. Read and follow the applicable restrictions and limitations and directions for use on all product labels involved in tank mixing. Users must follow the most restrictive directions for use and precautionary statements of each product in the tank mixture.

IMPROVED BRUSH CONTROL Following a spring VELPAR® DF VU HERBICIDE, or VELPAR® L VU HERBICIDE application, a tank mixture of OUST EXTRA HERBICIDE at 4 ounces per acre plus imazapyr will provide improved brush control. A minimum of 2.5 ounces of active ingredient imazapyr (isopropylamine salt) per acre will provide improved brush control.

These brush species include but are not limited to:

American beautyberry	<i>Callicarpa americana</i>	Southern dewberry	<i>Rubus</i> spp	Huckleberry	<i>Vaccinium</i> spp.
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Application must be made in the summer or fall following a spring application of VELPAR DF VU HERBICIDE, or VELPAR L VU HERBICIDE. For best results make the application after brush species have completely defoliated twice following the VELPAR DF VU HERBICIDE, or VELPAR L VU HERBICIDE application and refoiliation of target brush species is evident.

OUST EXTRA HERBICIDE applied at this time will provide herbaceous weed control into the early growing season of the year following application. This treatment also targets brush species remaining after a spring VELPAR DF VU HERBICIDE, or VELPAR L VU HERBICIDE application.

Loblolly, slash, and longleaf pine may be transplanted the planting season following application.

Where burning is desired, burn only after adequate rainfall has occurred to move OUST EXTRA HERBICIDE into the soil. Soil disturbance from bedding or plowing may reduce spring herbaceous weed control.

CONIFER RELEASE

APPLICATION AFTER TRANSPLANTING

Apply OUST EXTRA HERBICIDE after transplanting to control certain species of hardwoods, broadleaf weeds and grasses as listed in the Weeds Controlled list in the Non-Crop section of this label.

USE RATES FOR SELECTED SPECIES

Use Rates After Transplanting Conifers

Species	Rate (ounces/acre)
Loblolly Pine	2 2/3 to 4
Slash Pine	2 2/3 to 3

TANK MIXTURES

HERBACEOUS WEED CONTROL

For loblolly pines, apply OUST EXTRA HERBICIDE at 2 to 4 ounces per acre plus imazapyr (4 pound active per gallon) at 4 to 6 fluid ounces per acre.

For slash pines, apply OUST EXTRA HERBICIDE at 2 ounces per acre plus imazapyr at 4 fluid ounces per acre.

This tank mixture controls:

Common ragweed	Fireweed	Panicgrass
Dogfennel	Late boneset	Pokeweed
		15

In addition to the herbaceous weeds listed, this tank mixture will aid in the suppression of perennial grasses, such as, bermuda-grass and johnsongrass.

UNDESIRABLE HARDWOOD CONTROL BROADCAST APPLICATIONS

For loblolly pine, apply 4 ounces of OUST EXTRA HERBICIDE with 8 to 16 fluid ounces of imazapyr (4 pound active per gallon) per acre to control herbaceous weeds, grasses and undesirable hardwoods. Some minor conifer growth inhibition may be observed when release treatments are made during periods of active conifer growth. To minimize potential conifer height growth inhibition, broadcast release treatments may be made late in the growing season.

For slash pine, over the top broadcast release treatments must be made after mid-August and only in stands 2 to 5 years old. Apply 3 to 4 ounces of OUST EXTRA HERBICIDE with 8 to 12 fluid ounces of imazapyr (4 lbs a.i. per gallon) per acre to suppress undesirable hardwoods and control herbaceous weeds and grasses. For over the top applications to slash pine do not add a surfactant.

For understory applications OUST EXTRA HERBICIDE may be tank mixed with any herbicide product registered for use on the site. The list of herbicides that can be tank mixed with OUST EXTRA HERBICIDE include but is not limited to ESPLANADE F, glyphosate, imazapyr and triclopyr. In addition to loblolly and slash, stands of other conifer species may be treated providing the user has experience indicating acceptable crop safety to OUST EXTRA HERBICIDE. Without prior experience it is advised that a small area be tested for crop safety to OUST EXTRA HERBICIDE before large scale applications are made. The user accepts all responsibility for injury on any conifer species noted above to the extent consistent with applicable law.

FERTILIZER IMPREGNATION

Dry bulk fertilizer may be impregnated or coated with OUST EXTRA HERBICIDE for application in the establishment of conifer plantations.

IMPREGNATION

To impregnate the fertilizer, use a system consisting of a conveyor or closed drum used to blend dry bulk fertilizer. Some fertilizers such as potassium nitrate, sodium nitrate and triple super phosphate are not compatible with OUST EXTRA HERBICIDE. Diammonium phosphate, potassium chloride, 16-16-16 and 24-4-4 have been used successfully. Do not use OUST EXTRA HERBICIDE on limestone.

If fertilizer materials are excessively dusty, use a suitable additive to reduce dust prior to impregnation. Dusty fertilizer may result in poor distribution and excessive risk of drift during application. The dry fertilizer must be properly impregnated and uniformly applied to avoid potential tree injury or mortality and poor weed control.

Consult the Application Rates section of this label for the appropriate rate of OUST EXTRA HERBICIDE to be used per acre. Apply this amount of OUST EXTRA HERBICIDE to the volume of fertilizer to be applied per acre. To impregnate dry bulk fertilizer, mix the amount of OUST EXTRA HERBICIDE as prescribed above in a sufficient quantity of water to uniformly coat the desired amount of fertilizer. Suspensions of OUST EXTRA HERBICIDE will require thorough agitation. Direct the spray nozzles to deliver a fine spray of the mixture toward the fertilizer for uniform coverage. The use of a colorant may be beneficial to visually determine the uniformity of impregnation.

Impregnation of OUST EXTRA HERBICIDE to dry bulk fertilizer may vary. If absorption of the impregnating spray by the fertilizer is not adequate, the use of an absorptive powder or additive, such as Microcel E (Johns Manville Product Company) or HiSil - 233 (Pittsburg Plate Glass) may be required to produce a dry, free-flowing mixture.

Apply impregnated fertilizer as soon as possible after impregnation for optimum performance. Impregnated fertilizer may become lumpy and difficult to apply following storage. Uniform and precise application of the fertilizer impregnated with OUST EXTRA HERBICIDE is essential for satisfactory weed control and to minimize tree injury.

Follow the instructions for spray tank cleanup on this label for cleaning the equipment used to impregnate, transport, and apply the fertilizer.

Low rates of OUST EXTRA HERBICIDE can kill or severely injure most crops. Following a OUST EXTRA HERBICIDE application, the use of spray equipment to apply other pesticides to crops on which OUST EXTRA HERBICIDE or its active ingredients are not registered may result in their damage. The most effective way to reduce this crop damage potential is to use dedicated mixing and application equipment.

BROADCAST APPLICATION

Applications may be made by ground or air (helicopter or fixed wing aircraft). Accurate calibration of the application equipment is essential for uniform distribution on the soil surface. Overlaps or skips between adjoining swaths or non-uniform distribution of impregnated fertilizer within the swath will deliver poor results and may result in tree injury or mortality.

USE RESTRICTIONS CONIFER PLANTATIONS

- Do not apply OUST EXTRA HERBICIDE to conifers grown for Christmas trees or ornamentals.
- Do not use a surfactant with OUST EXTRA HERBICIDE for herbaceous weed control when making over the top applications to conifer seedlings in the spring after transplanting. A surfactant specifically registered for conifer release may be used when targeting specific weed problems, such as, undesirable hardwoods. Refer to the surfactant label for use rates.
- Do not apply more than 10 2/3 ounces OUST EXTRA HERBICIDE per acre per year (contains 0.375 pounds sulfometuron-methyl and 0.10 pounds metsulfuron-methyl.)
- Do not apply more than 5 2/3 ounces OUST EXTRA HERBICIDE per acre per single application to an Agricultural site (contains 0.199 pounds sulfometuron-methyl and 0.053 pounds of metsulfuron-methyl).
- Do not apply more than two applications per year for all uses with a minimum of 30 days between applications.

USE PRECAUTIONS CONIFER PLANTATIONS

- Applications of OUST EXTRA HERBICIDE made to conifers that are suffering from loss of vigor caused by insects, diseases, drought, winter damage, animal damage, excessive soil moisture, planting shock, previous agricultural practices, or other stresses, may injure or kill the trees.
- After transplanting, apply OUST EXTRA HERBICIDE only after adequate rainfall has closed the planting slit and settled the soil around the roots of the pine seedlings.
- OUST EXTRA HERBICIDE applications may result in damage and mortality to other species of trees when they are present on sites with those listed in the preceding instructions for conifer plantations uses.

HYBRID POPLAR PLANTATIONS NEW MEXICO

SITE PREPARATION: APPLICATION BEFORE TRANSPLANTING

For hybrid poplar, apply 1 to 3 ounces per acre of OUST EXTRA HERBICIDE. Use 2 to 3 ounces per acre of OUST EXTRA HERBICIDE for heavy weed infestations and where maximum residual control is desired. Use 1 to 2 ounces per acre of OUST EXTRA HERBICIDE for light weed infestations or when small diameter cuttings have been planted. Allow a minimum of 3 days between application and planting. Limit the first use to a small area to determine the selectivity of OUST EXTRA HERBICIDE on specific clones. OUST EXTRA HERBICIDE must be activated by rainfall or overhead irrigation before weeds become well established. Use of OUST EXTRA HERBICIDE may cause temporary chlorosis (yellowing) or a small reduction in tree height during the year of use.

RELEASE: APPLICATION AFTER TRANSPLANTING

For hybrid poplar, apply 1 to 3 ounces per acre of OUST EXTRA HERBICIDE. Use 2 to 3 ounces per acre of OUST EXTRA HERBICIDE for heavy weed infestations and where maximum residual control is desired. Use 1 to 2 ounces per acre of OUST EXTRA HERBICIDE for light weed infestations or when small diameter cuttings have been planted.

SPECIFIC WEED PROBLEMS KOCHIA AND RUSSIAN THISTLE

Since biotypes of kochia and Russian thistle are known to be resistant to OUST EXTRA HERBICIDE, tank mixture combinations with herbicides having different modes of action should be used. To slow the development of resistant biotypes, minimize kochia or Russian thistle forming mature seed.

TANK MIXES

OUST EXTRA herbicide HERBICIDE can be tank mixed with other products that are registered for use on hybrid poplars and where the labeled method of application and timing of application are the same as for OUST EXTRA HERBICIDE. It is the pesticide user's responsibility to ensure that all products are registered for the intended use. Read and follow the applicable restrictions and limitations and directions for use on all product labels involved in tank mixing. Users must follow the most restrictive directions for use and precautionary statements of each product in the tank mixture.

USE RESTRICTIONS HYBRID POPLAR PLANTATIONS

- Do not apply more than 10 2/3 ounces OUST EXTRA HERBICIDE per acre per year (contains 0.375 pounds sulfometuron-methyl and 0.10 pounds metsulfuron-methyl.)
- Do not apply more than 5 2/3 ounces OUST EXTRA HERBICIDE per acre per single application to an Agricultural site (contains 0.199 pounds sulfometuron-methyl and 0.053 pounds of metsulfuron-methyl).
- Do not apply more than two applications per year for all uses with a minimum of 30 days between applications.

USE PRECAUTIONS HYBRID POPLAR PLANTATIONS

- Apply only to trees which have been established for a minimum of 1 year. Apply when the trees are dormant and avoid contact of the spray with green buds or tissue as injury to the trees may result. Avoid applications during the period when the hybrid poplar are actively growing; from bud-swell in the spring to leaf drop in the fall. Limit the first use to a small area to determine the selectivity of OUST EXTRA HERBICIDE on specific clones. OUST EXTRA HERBICIDE must be activated by rainfall or overhead irrigation before weeds become well established. Use of OUST EXTRA HERBICIDE may cause temporary chlorosis (yellowing)

or a small reduction in tree height during the year of use.

- Applications of OUST EXTRA HERBICIDE made to hybrid poplar trees that are suffering from loss of vigor caused by insects, diseases, drought, winter damage, animal damage, excessive soil moisture, planting shock, previous agricultural practices, or other stresses, may injure or kill the trees.
- Applications of OUST EXTRA HERBICIDE made for release (trees present) must only be made after adequate rainfall has closed the planting slit and settled the soil around the roots following transplanting.
- If a surfactant is used with OUST EXTRA HERBICIDE, allowing the spray to contact tree foliage may injure or kill trees. The user assumes all responsibility for tree injury if a surfactant is used with OUST EXTRA HERBICIDE treatments applied after planting to the extent consistent with applicable law.
- OUST EXTRA HERBICIDE applications may result in damage and mortality to other species of trees when they are present on sites.

NON-AGRICULTURAL USES

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Use on non-crop sites, including industrial turfgrasses, are not within the scope of the Worker Protection Standard. Do not enter or allow worker entry into treated areas until sprays have dried.

NON-AGRICULTURAL SITES

APPLICATION INFORMATION

OUST EXTRA HERBICIDE is labeled for general weed control on private, public and military lands as follows: Uncultivated non-agricultural areas (including airports, highway, railroad and utility rights-of-way (ROW), sewage disposal areas); uncultivated agricultural areas—noncrop producing (including farmyards, fuel storage areas, fence rows, barrier strips); industrial sites--outdoor (including lumberyards, pipeline and tank farms).

OUST EXTRA HERBICIDE is not labeled for use on recreation areas, sod farms, or for direct application to paved areas (surfaces). Apply OUST EXTRA HERBICIDE as a preemergence or early postemergence spray before or during the rainy season when weeds

are actively germinating or growing.

Apply by ground or helicopter.

Combination with other herbicides broadens the spectrum of weeds controlled. In addition, total vegetation control can be achieved with higher rates of OUST EXTRA HERBICIDE plus residual-type companion herbicides. To improve the control of weeds, add surfactant at the rate of 0.25% by volume or at the rate specified on the manufacturer's label.

Apply OUST EXTRA HERBICIDE at the rates indicated by weed type. When applied at lower rates, OUST EXTRA HERBICIDE provides short term control of weeds listed; when applied at higher rates, weed control is extended.

WEEDS CONTROLLED

OUST EXTRA HERBICIDE effectively controls the following broadleaf weeds and grasses when applied at the rates shown in non-crop sites:

OUST EXTRA HERBICIDE — 2 2/3 TO 3 OUNCES PER ACRE

Annual bluegrass	Bur clover	Common vetch	Foxtail barley
Annual sowthistle	Carolina geranium	Common yarrow	Foxtail fescue
Aster	Chicory	Conical catchfly	Goldenrod
Bahiagrass	Clover	Corn cockle	Green foxtail
Barnyard grass	Cocklebur	Cow cockle	Hairy vetch
Beackchervil (bur, woodland)	Common chickweed	Crown vetch	Hop clover
Bearded sprangletop	Common groundsel	Dandelion	Houndstongue
Beebalm	Common mallow	Downy brome (cheat)	Italian ryegrass
Bitter sneezeweed	Common mullein	False chamomile	Japanese stiltgrass
Black mustard	Common pokeweed	Fescue	Johnsongrass
Blackeyed-susan	Common purslane	Fiddleneck tarweed	Jointed goatgrass
Blue mustard	Common ragweed	Field pennycress	Lambsquarters
Bouncingbet	Common speedwell	Flixweed	Little barley
Bur buttercup	Common tansy	Florida pusley	Marestail/horseweed*

Maximillion sunflower	Redroot pigweed	Smallseed falseflax	Whitestem filaree
Medusahead	Redstem filaree	Smooth pigweed	Wild barley
Miners lettuce	Reed Canarygrass	Snowberry, western	Wild carrot
Mouseear chickweed	Ripgut brome	Spreading orach	Wild garlic
Oxeye daisy	Rough fleabane	Sweet clover	Wild lettuce
Pennsylvania smartweed	Rye	Tansy ragwort	Wild mustard
Pepperweed	Salsify	Tansymustard	Wild oat
Plains coreopsis	Sandbur (southern, field)	Treacle mustard	Wood sorrel
Plantain	Seashore saltgrass	Tumble mustard	Wooly croton
Poison hemlock	Seaside heliotrope	Tumble pigweed	Yankeweed
Prickly coontail	Shepherd's purse	Western ragweed	Yellow foxtail
Red brome	Signalgrass	Wheat	
Red fescue	Silky crazyweed	Whitetop	

* Certain biotypes of mareetail/horseweed are less sensitive to OUST EXTRA HERBICIDE and may be controlled by tank mixes with herbicides with a different mode of action.

OUST EXTRA HERBICIDE — 3 TO 4 OUNCES PER ACRE

Black henbane	Dewberry	Musk thistle	Snowberry
Blackberry	Dogfennel	Panicums (annual)	St. Johnswort
Broom snakeweed	Fireweed	Plumeless thistle	Teasel
Buckhorn plantain	Gorse	Poorjoe	White snakeroot
Bull thistle	Gumweed	Prostrate knotweed	Whitetop, hairy
Common crupina	Halogeton	Rosering gaillardia	Wild caraway
Common sunflower	Henbit	Scotch thistle	Dyer's woad
Crabgrass	Honeysuckle	Seaside arrowgrass	
Curly dock	Multiflora rose (wild roses)	Sericea lespedeza	

OUST EXTRA HERBICIDE — 4 TO 5 1/3* OUNCES PER ACRE

Crimson clover	Giant ragweed	Perennial pepperweed	Yellow nutsedge
Dogfennel	Little mallow	Purple starthistle	Yellow rocket
Giant foxtail	Palmer pigweed	Rush	

* 5 1/3 ounces of OUST EXTRA HERBICIDE contains 0.187 pounds of the active ingredient sulfometuron-methyl and 0.050 pounds of the active ingredient metsulfuron-methyl

NOTE: Use the higher level of the labeled rate ranges under the following conditions:

- heavy weed growth
- soils containing more than 2 1/2% organic matter
- high soil moisture areas, such as along road edges or railroad shoulders

SPECIFIC WEED PROBLEMS

KOCHIA, RUSSIAN THISTLE, AND PRICKLY LETTUCE

Since biotypes of kochia, marestail, Russian thistle, and prickly lettuce are known to be resistant to OUST EXTRA HERBICIDE, tank mixture combinations with herbicides having different modes of action, such as HYVAR® X HERBICIDE or KROVAR® I DF HERBICIDE, must be used. In areas where resistance is known to exist, these weeds must be treated postemergence with other herbicides registered for their control, such as 2,4-D or dicamba. Do not allow kochia, Russian thistle, or prickly lettuce to form mature seed.

KUDZU

OUST EXTRA HERBICIDE applied at 8 ounces (0.281 pounds of the active ingredient sulfometuron-methyl and 0.075 pounds of the active ingredient metsulfuron-methyl) per acre may be used as part of a kudzu abatement program. Retreatment of any re-sprouting kudzu crowns following the initial treatment is necessary to fully control kudzu. Make applications to kudzu after leaves are fully mature and the plant has begun to bloom. Applications may continue until first frost. Apply OUST EXTRA HERBICIDE as a broadcast treatment for the initial application. Use spot-spray or broadcast follow-up applications as needed for thorough coverage. Thoroughly treat foliage and stems (spray-to-wet) without excess runoff. For handgun applications use a minimum of 100 gallons per acre. Boom or boom-less sprayer applications made by ground or air (helicopter only) equipment must use a minimum of 30 gallons per acre per application pass. Double pass applications from different directions can improve spray

coverage. Use a non-ionic surfactant (minimum 70% active ingredient) or crop oil concentrate at the rate of 1 quart per 100 gallons of spray solution (0.25% v/v).

TANK MIX COMBINATIONS

To improve preemergence to early postemergence control of weeds and grasses, add 2 2/3 to 5 1/3 ounces of OUST EXTRA HERBICIDE per acre to the labeled rates of the following herbicides: HYVAR® X HERBICIDE, KROVAR® I DF HERBICIDE, VELPAR L VU HERBICIDE, VELPAR DF VU HERBICIDE, TELAR® HERBICIDE, diuron, glyphosate, dicamba, or 2,4-D.

Apply OUST EXTRA HERBICIDE plus a companion herbicide at the rates and timing as shown on package labels for target weeds. For application method and other use specifications, use the most restrictive directions for the intended combination. It is the pesticide user's responsibility to ensure that all products are registered for the intended use. Read and follow the applicable restrictions and limitations and directions for use on all product labels involved in tank mixing. Users must follow the most restrictive directions for use and precautionary statements of each product in the tank mixture.

Do not tank mix OUST EXTRA HERBICIDE with HYVAR X-L HERBICIDE.

INDUSTRIAL TURFGRASS

APPLICATION INFORMATION

OUST EXTRA HERBICIDE may be used to control weeds on industrial turfgrass, on roadsides, or on other non-crop sites where the turfgrass is well established as a ground cover. Applications may temporarily suppress grass growth and inhibit seedhead formation (chemical mowing).

BERMUDAGRASS RELEASE

APPLICATION TIMING

Apply OUST EXTRA HERBICIDE at 1/2 to 2 ounces per acre after bermudagrass has broken dormancy and is well established, usually 30 days after initial spring flush. If additional applications are necessary, apply OUST EXTRA HERBICIDE again during late spring to early summer. On established weeds, apply OUST EXTRA HERBICIDE 1 to 2 weeks after mowing for the best results.

OUST EXTRA HERBICIDE may also be applied in late fall or early winter. Use the lower rates on small seedling weeds and a higher rate on larger weeds.

TANK MIX COMBINATIONS—BERMUDAGRASS (SOUTH ONLY)

Apply 1 to 2 ounces OUST EXTRA HERBICIDE per acre as a tank mix with 3 to 4 pounds active ingredient of MSMA per acre on

well established bermudagrass during the summer. Refer to the MSMA package label for a list of additional weeds that may be controlled. Two or more sequential applications of MSMA alone may be necessary to maintain weed control. It is the pesticide user's responsibility to ensure that all products are registered for the intended use. Read and follow the applicable restrictions and limitations and directions for use on all product labels involved in tank mixing. Users must follow the most restrictive directions for use and precautionary statements of each product in the tank mixture.

CENTPEDEGRASS RELEASE

APPLICATION TIMING

Apply 1/2 to 2 ounces per acre of OUST EXTRA HERBICIDE in the fall or early winter, or in the early summer following green-up of the centipede. Refer to the listing of Weeds Controlled in this section for use rates and species controlled by OUST EXTRA HERBICIDE.

SMOOTH BROME AND CRESTED WHEATGRASS RELEASE AND SUPPRESSION

APPLICATION TIMING

Apply 1/2 to 1 1/2 ounce per acre of OUST EXTRA HERBICIDE per acre to turfgrass after green-up and before seedheads emerge (boot stage). Ensure that desirable grasses are well-established at application, as premature treatment may result in top kill and stand reduction of desirable turfgrass. Make only one application per year.

WEEDS CONTROLLED

OUST EXTRA HERBICIDE may be used to control the following weeds in industrial turfgrass when applied at the use rates shown.
OUST EXTRA HERBICIDE — 1/2 TO 1 OUNCE PER ACRE

Asters (except heath aster)	Common sunflower	Field pennycress	Redroot pigweed
Buttercups	Common vetch	Fleabanes	Sweetclover
Common broomweed	Common yarrow	Goldenrod	Tansymustard
Common chickory	Curly dock	Little barley	White clover
Common chickweed	False chamomile	Mouseear chickweed	Wild garlic

OUST EXTRA HERBICIDE — 1 TO 2 OUNCES PER ACRE

Bitter sneezeweed	Common ragweed	Hopclover	Redstem filaree
Buckhorn plantain	Crimson clover	Japanese stiltgrass	Tumble mustard
Carolina geranium	Eveningprimrose	Jointed goatgrass	Wild carrot
Cheat (Downy brome)	Foxtail barley	Medusahead	Wild oats
Common dandelion	Giant ragweed	Musk thistle	Wild parsnip
Common mullein	Hairy vetch	Prairie coneflower	

USE RESTRICTIONS INDUSTRIAL TURFGRASS

- Do not apply more than 10 2/3 ounces OUST EXTRA HERBICIDE per acre per year (contains 0.375 pounds sulfometuron-methyl and 0.10 pounds metsulfuron-methyl.)
- Do not apply more than 8 ounces OUST EXTRA HERBICIDE per acre per year (contains 0.281 pounds sulfometuron-methyl and 0.075 pounds metsulfuron-methyl.)
- Do not apply more than two applications per year for all uses with a minimum of 30 days between applications.

USE PRECAUTIONS INDUSTRIAL TURFGRASS

- Excessive injury to turfgrass may result if a surfactant is used with OUST EXTRA HERBICIDE applications made to actively growing turfgrass. The user assumes all responsibility for turfgrass injury if a surfactant is used with OUST EXTRA HERBICIDE treatments applied to actively growing turfgrass to the extent consistent with applicable law.
- OUST EXTRA HERBICIDE may temporarily discolor or cause top kill of turfgrass. Applications made while turfgrass is dormant may delay green-up in the spring.
- Annual retreatments may reduce vigor, particularly at the higher labeled rates, where bahiagrass, crested wheatgrass and smooth brome are grown.
- OUST EXTRA HERBICIDE application on turfgrass that is under stress from drought, insects, disease, cold temperatures or late spring frost, may result in injury.

GRASS REPLANT INTERVALS

Following a treatment with OUST EXTRA HERBICIDE at use rates up to 2 ounces per acre the following grasses may be replanted:

Alta fescue	Orchardgrass	Sheep fescue
Meadow foxtail	Smooth brome	Western wheatgrass

The replant intervals are for soils with a pH of less than 7.5.

Soils having a pH greater than 7.5 will require longer intervals. The replant intervals are for applications made in the spring. Because OUST EXTRA HERBICIDE degradation is slowed by cold or frozen soils, applications made in the fall must consider the intervals as beginning in the spring following treatment.

Testing has indicated that there is considerable variation in response among species of grasses when seeded into areas treated with OUST EXTRA HERBICIDE. If species other than listed above are to be planted into areas treated with OUST EXTRA HERBICIDE a field bioassay must be performed, or previous experience may be used to determine the feasibility of replanting treated areas.

ADDITIONAL RESTRICTIONS AGRICULTURAL AND NON- AGRICULTURAL USES

- Do not treat frozen or snow covered soil.
- Do not use on lawns, walks, driveways, tennis courts, or similar areas.
- Do not apply in or on irrigation ditches or canals including their outer banks.
- Do not apply through any type of irrigation system.
- Do not use this product in the following counties of Colorado: Saguache, Rio Grande, Alamosa, Costilla and Conejos.
- Do not use this product in California.
- Do not apply more than 10 2/3 ounces OUST EXTRA HERBICIDE per acre per year (contains 0.375 pounds of sulfometuron-methyl and 0.10 pounds of metsulfuron-methyl).
- Do not apply more than 5 2/3 ounces OUST EXTRA HERBICIDE per acre per single application to an Agricultural site (contains 0.199 pounds of sulfometuron-methyl and 0.053 pounds of metsulfuron-methyl).
- Do not apply more than 8 ounces OUST EXTRA HERBICIDE per acre per single application to a Non-Agricultural site (contains 0.281 pounds of sulfometuron-methyl and 0.075 pounds of metsulfuron-methyl).
- Do not apply more than two applications per year for all uses with a minimum of 30 days between applications.
- Do not use on food or feed crops.
- Do not use on sod farms.

ADDITIONAL INSTRUCTIONS, PRECAUTIONS AGRICULTURAL AND NON- AGRICULTURAL USES

- Injury to or loss of desirable species may result if equipment is drained or flushed on or near desirable trees or other plants, or on areas where their roots may extend, or in locations where the chemical may be washed or moved into contact with their roots.
- Treatment of powdery, dry soil or light, sandy soil when there is little likelihood of rainfall soon after treatment may result in off target movement and possible damage to susceptible crops when soil particles are moved by wind or water. Injury to crops may result if treated soil is washed, blown, or moved onto land used to produce crops. Exposure to OUST EXTRA HERBICIDE may injure or kill most crops. Injury may be more severe when the crops are irrigated. Do not apply OUST EXTRA HERBICIDE when these conditions are identified and powdery, dry soil or light or sandy soil are known to be prevalent in the area to be treated.
- Applications made where runoff water flows onto agricultural land may injure crops. Applications made during periods of intense rainfall, to soils saturated with water, surfaces paved with materials such as asphalt or concrete, or soils through which rainfall will not readily penetrate may result in runoff and movement of OUST EXTRA HERBICIDE.
- Leave treated soil undisturbed to reduce the potential for OUST EXTRA HERBICIDE movement by soil erosion due to wind or water.
- Keep from contact with fertilizers, insecticides, fungicides, and seeds.
- Low rates of OUST EXTRA HERBICIDE can kill or severely injure most crops. Following an OUST EXTRA HERBICIDE application, the use of spray equipment to apply other pesticides to crops on which OUST EXTRA HERBICIDE is not registered may result in their damage. The most effective way to reduce this crop damage potential is to use dedicated mixing and application equipment.
- If non-crop sites treated with OUST EXTRA HERBICIDE are to be converted to a food, feed, or fiber agricultural crop, or to a horticultural crop, do not plant the treated sites for at least one year after the OUST EXTRA HERBICIDE application. A field bioassay must then be completed before planting to crops.

FIELD BIOASSAY

To conduct a field bioassay, grow to maturity test strips of the crop(s) you plan to grow the following year. The test strips must

cross the entire field including knolls and low areas. Crop response to the bioassay will indicate whether or not to plant the crops(s) grown in the test strips. In the case of suspected off-site movement of OUST EXTRA HERBICIDE to cropland, soil samples may be quantitatively analyzed for OUST EXTRA HERBICIDE or any other herbicide which could be having an adverse effect on the crop, in addition to conducting the above-described bioassay.

TANK MIX COMBINATIONS

OUST EXTRA HERBICIDE may be tank mixed with other herbicides and/or adjuvants registered for use in conifer plantations, noncrop sites, and industrial turfgrass.

It is the pesticide user's responsibility to ensure that all products are registered for the intended use. Read and follow the applicable restrictions and limitations and directions for use on all product labels involved in tank mixing. Users must follow the most restrictive directions for use and precautionary statements of each product in the tank mixture.

SPRAY EQUIPMENT

Low rates of OUST EXTRA HERBICIDE can kill or severely injure most crops. Following a OUST EXTRA HERBICIDE application, the use of spray equipment to apply other pesticides to crops on which OUST EXTRA HERBICIDE or its active ingredients are not registered may result in their damage. The most effective way to reduce this crop damage potential is to use dedicated mixing and application equipment.

APPLICATION

GROUND

Use a sufficient volume of water to ensure thorough coverage when applying OUST EXTRA HERBICIDE as a broadcast or directed spray. Select a spray volume and delivery system that will ensure thorough coverage and a uniform spray pattern. Be sure the sprayer is calibrated before use. Avoid overlapping and shut off spray booms while starting, turning, slowing, or stopping to avoid injury to desired species.

AIR

Select a spray volume and delivery system that will ensure thorough coverage and a uniform spray pattern. Be sure the sprayer is calibrated. Avoid overlapping and shut off spray booms while starting, turning or slowing to avoid injury to desired species

MIXING INSTRUCTIONS

1. Fill spray tank 1/2 full of water.

2. With the agitator running, add the proper amount of OUST EXTRA HERBICIDE.
3. If using a companion product, add the labeled amount.
4. For postemergent applications, add the proper amount of spray adjuvants.
5. Add the remaining water.
6. Agitate the spray tank thoroughly.

OUST EXTRA HERBICIDE spray preparations are stable if they are pH neutral or alkaline and stored at or below 100° F.

SPRAYER CLEANUP

Thoroughly clean all mixing and spray equipment following applications of OUST EXTRA HERBICIDE as follows:

1. Drain tank; thoroughly rinse spray tanks, boom, and hoses with clean water.
 2. Fill the tank with clean water and 1 gal of household ammonia (contains 3% active) for every 100 gal of water. Flush the hoses, boom, and nozzles with the cleaning solution. Then add more water to completely fill the tank. Circulate the cleaning solution through the tank and hoses for at least 15 min. Flush the hoses, boom, and nozzles again with the cleaning solution, and then drain the tank.
- Equivalent amounts of an alternate-strength ammonia solution or a commercial cleaner can be used in the cleanout procedure. If a commercial cleaner is used, carefully read and follow the individual cleaner instructions.
3. Remove the nozzles and screens and clean separately in a bucket containing cleaning agent and water.
 4. Repeat step 2.
 5. Rinse the tank, boom, and hoses with clean water.
 6. Dispose of the rinsate on a labeled site or at an approved waste disposal facility. If a commercial cleaner is used follow the directions for rinsate disposal on the label.

Notes:

1. Do not use chlorine bleach in combination with ammonia when cleaning spray equipment. Do not clean spray equipment in an enclosed area.
2. Steam-cleaning aerial spray tanks is advised before performing the above cleanout procedure to facilitate the removal of any caked deposits.
3. When OUST EXTRA HERBICIDE is tank mixed with other pesticides, all required cleanout procedures must be examined and

the most rigorous procedure followed.

AIR ASSISTED (AIR BLAST) FIELD CROP SPRAYERS

Air assisted field crop sprayers carry droplets to the target via a downward directed air stream. Some may reduce the potential for drift, but if a sprayer is unsuitable for the application and/or set up improperly, high drift potential can result. It is the responsibility of the applicator to determine that a sprayer is suitable for the intended application, that it is configured properly, and that drift potential has been minimized.

Note: Air assisted field sprayers can affect product performance by affecting spray coverage and canopy penetration. Read the specific crop use and application equipment instructions to determine if an air assisted field crop sprayer can be used.

DRIFT CONTROL ADDITIVES

Using product compatible drift control additives can reduce drift potential. When a drift control additive is used, read and carefully observe cautionary statements and all other information on the additive's label. If using an additive that increases viscosity, ensure that the nozzles and other application equipment will function properly with a viscous spray solution. Preferred drift control additives have been certified by the Chemical Producers and Distributors Association (CPDA).

UPWIND SWATH DISPLACEMENT

When applications are made with a crosswind the swath will be displaced downwind. An adjustment for swath displacement is made on the downwind edge of the application site by shifting the path of the application equipment upwind. Applicators must use ½ swath displacement upwind at the downwind edge of the field.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage and disposal.

Pesticide Storage: Store product in original container only. Store in a cool, dry place.

Pesticide Disposal: Waste resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Container Handling: Refer to the Net Contents section of this product's labeling for the applicable "Nonrefillable Container" or "Refillable Container" designation.

STORAGE AND DISPOSAL *(continued)*

Nonrefillable Plastic and Metal Containers (Capacity Equal to or Less Than 50 Pounds): Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then, for Plastic Containers, offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration. Do not burn, unless allowed by state and local ordinances. For Metal Containers, offer for recycling if available or reconditioning if appropriate, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

Nonrefillable Plastic and Metal Containers (Capacity Greater Than 50 Pounds): Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. Then, for Plastic Containers, offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration. Do not burn, unless allowed by state and local ordinances. For Metal Containers, offer for recycling if available or reconditioning if appropriate, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

Nonrefillable Plastic and Metal Containers, e.g., Intermediate Bulk Containers [IBC] (Size or Shape Too Large to be Tipped, Rolled or Turned Upside Down): Nonrefillable container. Clean container promptly after emptying the contents from this container into application equipment or mix tank and before final disposal using the following pressure rinsing procedure. Insert a lance fitted with a suitable tank cleaning nozzle into the container and ensure that the water spray thoroughly covers the top, bottom and all sides inside the container. The nozzle manufacturer generally provides instructions for the appropriate spray pressure, spray duration and/or spray volume. If the manufacturer's instructions are not available, pressure rinse the container for at least 60 seconds using a minimum pressure of 30 PSI with a minimum rinse volume of 10% of the container volume. Drain,

(continued)

STORAGE AND DISPOSAL *(continued)*

pour or pump rinsate into application equipment or rinsate collection system. Repeat this pressure rinsing procedure two more times. Then, for Plastic Containers, offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration. For Metal Containers, offer for recycling if available or reconditioning if appropriate or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

Nonrefillable Paper or Plastic Bags, Fiber Sacks including Flexible Intermediate Bulk Containers (FIBC) or Fiber Drums With Liners: Nonrefillable container. Do not reuse or refill this container. Completely empty paper or plastic bag, fiber sack or drum liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application or manufacturing equipment. Then offer for recycling if available or dispose of empty paper or plastic bag, fiber sack or fiber drum and liner in a sanitary landfill, or by incineration. Do not burn, unless allowed by state and local ordinances.

Refillable Fiber Drums With Liners: Refillable container (fiber drum only). Refilling Fiber Drum: Refill this fiber drum with OUST EXTRA HERBICIDE containing sulfometuron-methyl and metsulfuron-methyl, only. Do not reuse this fiber drum for any other purpose. Cleaning before refilling is the responsibility of the refiller. Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application or manufacturing equipment.

Disposing of Fiber Drum and/or Liner: Do not reuse this fiber drum for any other purpose other than refilling (see preceding). Cleaning the container (liner and/or fiber drum) before final disposal is the responsibility of the person disposing of the container. Offer the liner for recycling if available or dispose of liner in a sanitary landfill, or by incineration. Do not burn, unless allowed by state and local ordinances. If drum is contaminated and cannot be reused, dispose of it in the manner required for its liner. To clean the fiber drum before final disposal, completely empty the fiber drum by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application or manufacturing equipment. Then offer the fiber drum for recycling if available or dispose of in a sanitary landfill, or by incineration. Do not burn, unless allowed by state and local ordinances.

All Other Refillable Containers: Refillable container. Refilling Container: Refill this container with OUST EXTRA HERBICIDE containing sulfometuron-methyl and metsulfuron-methyl, only. Do not reuse this container for any other purpose. Cleaning before refilling is the responsibility of the refiller. Prior to refilling, inspect carefully for damage such as cracks, punctures, abrasions, worn out threads and

(continued)

STORAGE AND DISPOSAL *(continued)*

closure devices. If damage is found, do not use the container, contact BAYER CROPSCIENCE LP at the number below for instructions. Check for leaks after refilling and before transporting. If leaks are found, do not reuse or transport container, contact BAYER CROPSCIENCE LP at the number below for instructions. Disposing of Container: Do not reuse this container for any other purpose other than refilling (see preceding). Cleaning the container before final disposal is the responsibility of the person disposing of the container. To clean the container before final disposal, use the following pressure rinsing procedure. Insert a lance fitted with a suitable tank cleaning nozzle into the container and ensure that the water spray thoroughly covers the top, bottom and all sides inside the container. The nozzle manufacturer generally provides instructions for the appropriate spray pressure, spray duration and/or spray volume. If the manufacturer's instructions are not available, pressure rinse the container for at least 60 seconds using a minimum pressure of 30 PSI with a minimum rinse volume of 10% of the container volume. Drain, pour or pump rinsate into application equipment or rinsate collection system. Repeat this pressure rinsing procedure two more times. Then, for Plastic Containers, offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration. Do not burn, unless allowed by state and local ordinances. For Metal Containers, offer for recycling if available or reconditioning if appropriate or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

Outer Foil Pouches of Water Soluble Packets (WSP): Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available or, dispose of the empty outer foil pouch in the trash as long as WSP is unbroken. If the outer pouch contacts the formulated product in any way, the pouch must be triple rinsed with clean water. Add the rinsate to the spray tank and dispose of the outer pouch as described previously.

Do not transport if this container is damaged or leaking. If the container is damaged, leaking or obsolete, or in the event of a major spill, fire or other emergency, contact BAYER CROPSCIENCE LP at 1-800-334-7577, day or night.

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Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of Liability before using this product. If terms are not acceptable, return the unopened product container at once.

By using this product, user or buyer accepts the following Conditions, Disclaimer of Warranties and Limitations of Liability.

CONDITIONS: The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Ineffectiveness, plant injury, other property damage, as well as other unintended consequences may result because of factors beyond the control of Bayer CropScience LP. Those factors include, but are not limited to, weather conditions, presence of other materials or the manner of use or application. All such risks shall be assumed by the user or buyer to the extent consistent with applicable law.

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For product information call: 1-800-331-2867

Produced for:
Bayer Environmental Science
A Division of Bayer CropScience LP
5000 CentreGreen Way, Suite 400
Cary, NC 27513

▲ PULL HERE TO OPEN

GROUP 2 HERBICIDE



Dispersible Granules

	By Weight
Active Ingredient	
Sulfometuron-methyl	
{Methyl 2-[[[(4,6-dimethyl-2-pyrimidinyl)amino]-	
-carbonyl]amino]sulfonyl]benzoate}	56.25%
Metsulfuron-methyl	
Methyl 2-[[[(4-methoxy-6-methyl-1,3,5-triazin	
-2-yl)amino]-carbonyl]amino]sulfonyl]benzoate ..	15.00%
Other Ingredients	28.75%
Total	100%

EPA Reg. No. 432-1557

Nonrefillable Container
Net Weight

4 Pounds

85787128

85805304E 180308AV3

**KEEP OUT OF REACH
OF CHILDREN
CAUTION**

See Back Panel for First Aid Instructions
and Booklet for Complete Precautionary
Statements and Directions for Use.

Si usted no entiende la etiqueta, busque
a alguien para que se la explique a
usted en detalle. (If you do not
understand this label, find someone to
explain it to you in detail.)